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Workplace Trucking Death Results in Approximately \$8 Million Recovery for Widow and Child

June 2012



Case: Diana Perez as Personal Representative of the Estate of Juan Oro v. Trucking Produce Company.*

Description: Workplace trucking negligence

Mediation date: January 30, 2012

Settlement amount: Approximately \$8 million

Plaintiff attorneys: David Sampedro and Brett Panter, Panter Panter & Sampedro, P.A.

Details: Juan Oro went to work the morning of April 14, 2011 at an industrial yard. While working at the industrial yard and preparing a container to be hauled off the yard by a tractor, the driver began to back up. The tractor had no back up alarm. Juan had his back to the trailer. He was pinned between the tractor and trailer and killed instantly.

Plaintiff's case: David Sampedro argued that the driver of the tractor failed to properly operate the tractor, failed to maintain a proper look out, and failed to comply with trucking industry standards. In addition, Sampedro argued that the driver's employer failed to properly train and supervise the operator and failed to comply with the Federal Motor Safety Carrier Act. The complaint included a single count against the motor carrier. Suit was not filed directly against the driver.

Defense's case: The defense argued that the operator of the tractor was ordered to back up by another signal man. In addition, the defense argued that Oro's employer was responsible for failing to properly train Oro and provide him with proper visible work attire. The defense also argued that the operator of the industrial yard contributed to the accident for failing to properly supervise the ingress and egress of traffic on the yard.

Outcome: The case was mediated for 8 1/2 hours before an agreement was reached. The motor carrier's insurer agreed to pay almost \$8 million dollars pursuant to a confidentiality agreement.

Comment: "You could never equate any type of monetary settlement to the vacuum created by the sudden and unexpected

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death of a loved one," Sampedro said. "That is especially true when the loved one left behind include a young widow and an unborn son who will never get to know his father."

* The names of the parties have been changed as a result of a confidential settlement.

Firm News:

Joshua Wintle Installed as President of the South Miami-Kendall Bar Association

On May 31, 2012, Joshua Wintle was installed as the President of SMKBA for the 2012-13 year. The installation ceremony, at the Coral Gables Country Club, was presided over by the Honorable Stanford Blake and was well-attended by the judiciary and members of the organization. PP&S partner, David Sampedro was in attendance to accept an award for the firm's support of the bar association, including the firm's sponsorship of the SMKBA High School Scholarship Award.



Mr. Wintle is an associate in the firm's personal injury practice. As an integral member of the trial team, Joshua provides litigation support on all cases that reach trial and helps craft the firm's legal argument and strategy.

NOTE: The accounts of recent trials, verdicts and settlements contained in this newsletter are intended to illustrate the experience of the firm in a variety of litigation areas. Each case is unique, and the results in one case do not necessarily indicate the quality or value of any other case.

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